

46 Am. Jur. 2d Judges § 44

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Judges

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VI. Privileges, Exemptions, and Disabilities

A. In General

§ 44. Judge holding other office—As effecting vacation of office

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Judges](#)  20, 21

The acceptance by a judge of an incompatible office constitutes a vacation of the office of judge, ending the incumbent's judicial authority.¹ Similarly, a person holding another incompatible office who accepts the office of judge thereby vacates the other office.²

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Footnotes

- 1 [Caldwell v. Lyon](#), 168 Tenn. 607, 80 S.W.2d 80, 100 A.L.R. 1152 (1935); [State v. Jones](#), 130 Wis. 572, 110 N.W. 431 (1907).
- 2 [State ex rel. Van Antwerp v. Hogan](#), 283 Ala. 445, 218 So. 2d 258 (1969); [Caldwell v. Lyon](#), 168 Tenn. 607, 80 S.W.2d 80, 100 A.L.R. 1152 (1935).

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